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Supreme Court, U.S.
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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1917

WILLIAM H. ODELL
Complainant-Appellant

against

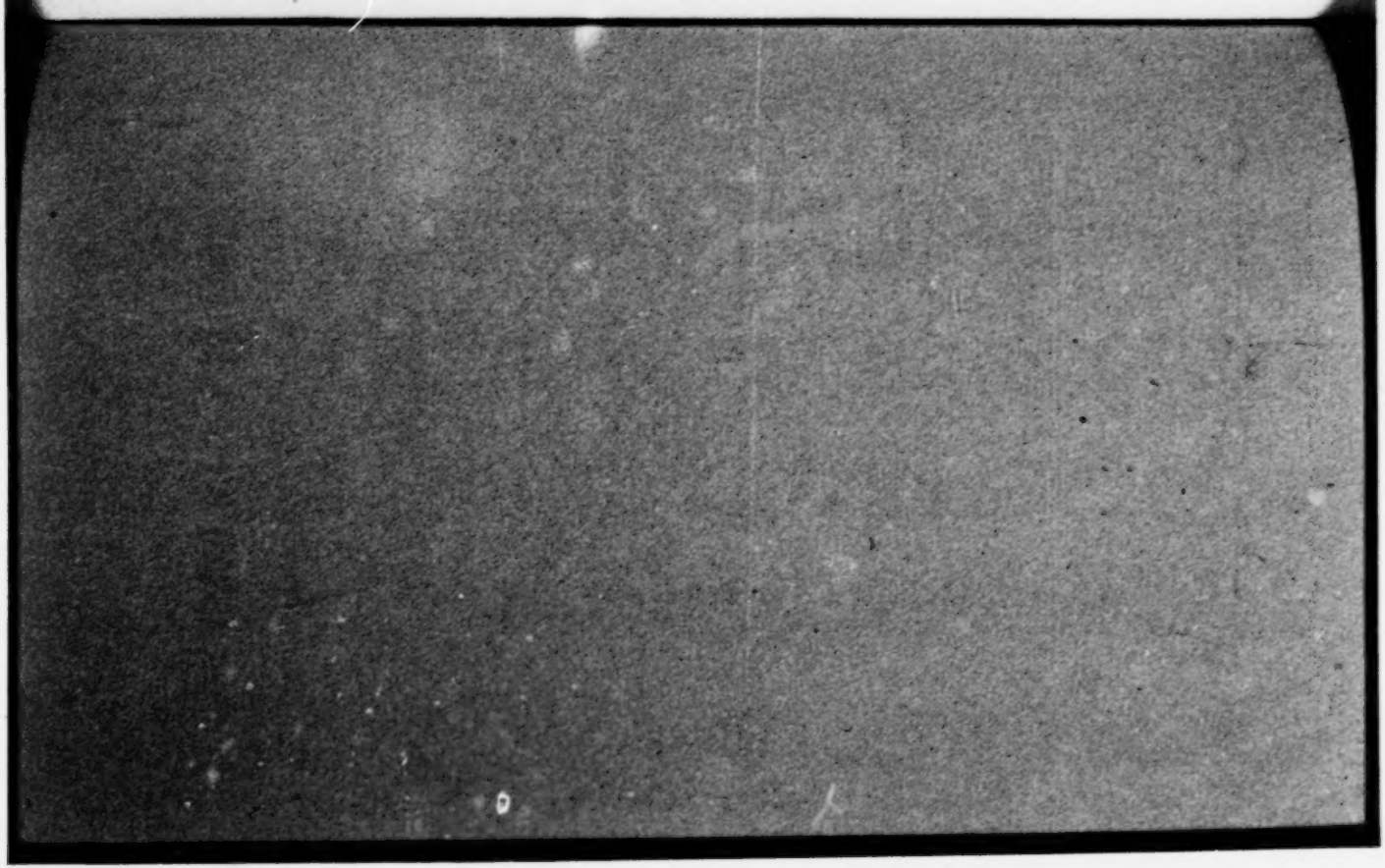
F. C. FARNSWORTH COMPANY and FARNSWORTH MANUFACTURING COMPANY
Defendants-Appellees

No. 186

MOTION TO REINSTATE

DARBY & DARBY
Counsel for Appellant

APPEAL PRINTING COMPANY, NEW YORK CITY.



Supreme Court of the United States

OCTOBER TERM, 1917.

WILLIAM H. ODELL, Complainant-Appellant, *against* F. C. FARNSWORTH COMPANY and FARNSWORTH MANUFACTURING COMPANY, Defendants-Appellees.	No. 498.

Notice.

Please take notice that on the 21st day of March, 1919, at the opening of the court, or as soon thereafter as counsel can be heard, the motion of which the attached is a copy will be submitted to the Supreme Court of the United States for the decision of the Court thereon.

Annexed thereto is a copy of an affidavit to be submitted with the said motion in support thereof.

Dated March 11th, 1919.

SAMUEL E. DARBY,
Attorney for Complainant-Appellant.

To

Rogers, Kennedy & Campbell,
15 Broad Street,
New York City,
Attorneys for Defendants-Appellees.

Charles F. Randall,
24 Milk Street,
Boston, Mass.,
Of Counsel for Defendants-Appellees.

F. C. Farnsworth Manufacturing Company,
65 Beverly Street,
Boston, Mass.

Motion to Reinstate on Docket.

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1917.

WILLIAM H. ODELL, Complainant-Appellant, *against* F. C. FARNSWORTH COMPANY and FARNSWORTH MANUFACTURING COMPANY, Defendants-Appellees.	No. 498.

Now comes the complainant-appellant herein by Samuel E. Darby, his counsel, appearing in his behalf, and moves the Court to reinstate the above case for call ten cases after the case under argument, or next to be called at the end of the day.

This motion is presented as provided in Paragraph Nine, Rule Twenty-six of the Rules of the Supreme Court of the United States.

SAMUEL E. DARBY,
Attorney for the Complainant-Appellant.

Dated March 11th, 1919.

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1917.

WILLIAM H. ODELL, Complainant-Appellant, *against* F. C. FARNSWORTH COMPANY and FARNSWORTH MANUFACTURING COMPANY, Defendants-Appellees.	No. 498.

State of New York, County of New York, } ss.:

Walter A. Darby, of legal age, being first duly sworn, deposes and says that he is familiar with the facts and proceedings in the above entitled case, and has personal charge of all matters pertaining to the same; that in April, 1918, he left the office of Darby & Darby to enlist in the Naval Reserve Force of the United States, and was on duty with said force until about the middle of December, when he was released from active service. That because of being in the service of the United States, the brief of the complainant-appellant was

not prepared nor filed until about the same time the case came up for hearing before the Court. By reason of this fact, the attorneys of record for the defendants-appellees, Messrs. Rogers, Kennedy and Campbell, were not given sufficient time, under the rules, to prepare and file their answering brief in the cause. It was agreed between counsel that the said case should be passed to allow the defendants-appellees time within which to file their brief, and it was understood that when said brief was filed that the counsel would join in a request to reinstate the case on the docket as provided for in the rules of the Supreme Court. After defendants-appellees' brief was filed, a stipulation to reinstate the case on the docket was presented to said Messrs. Rogers, Kennedy and Campbell, who informed deponent that they had received instructions from Charles F. Randall, attorney for the defendants-appellees, F. C. Farnsworth Company, to have nothing further to do with the case. Deponent then wrote the said Charles F. Randall requesting him to sign a stipulation to reinstate the case, but he refused to do so, saying he had no authority to do so. Deponent thereupon brought this motion, and has personally served the said Messrs. Rogers, Kennedy and Campbell, and Charles F. Randall by mailing to them, by registered mail, copies of the attached notice and copies of the motion and this affidavit to their respective addresses at 15 Broad Street, New York, N. Y., and 24 Milk Street, Boston, Mass. Deponent also mailed by registered mail the said papers to the F. C. Farnsworth Manufacturing

Company at their last known address at 65 Beverly Street, Boston, Mass. The registry receipts are attached hereto.

WALTER A. DARBY.

Sworn to and subscribed this
11th day of March, 1919.
Samuel E. Darby, Jr.,
Notary Public,
New York County.